

Testimony of Senator Ron Wyden

Senate Rules Committee

Voting By Mail: An Examination of State and Local Experiences

May 5, 2010

SR-301, Russell Senate Office Building

Chairman Schumer, Ranking Member Bennett, and members of the Committee:

Thank you for holding this hearing today to examine Vote by Mail. As you may know, Oregonians have voted exclusively by mail since 2000. I am very pleased that this issue is getting attention at the national level, because those of us from Oregon are excited to tell the rest of country about the success we've had in voting by mail. I am especially proud that Oregon's exceptional Secretary of State, Kate Brown is here to testify. And I couldn't be happier to have my House-side partner, Representative Susan Davis, joining me on the witness panel. Representative Davis is a true champion for Vote by Mail.

Vote by Mail offers many advantages.

- Vote by Mail empowers voters – it gives voters more flexibility, affords voters more time to study the ballot, and allows them to vote when it's convenient for them.
- Vote by Mail increases turnout – in the three Presidential elections since Vote by Mail was adopted in Oregon, turnout has been six percent higher than in the three before. For lower-profile elections, such as off-year, municipal, or referenda elections, Vote by Mail has an even stronger positive impact on turnout.
- Vote by Mail is cost-effective – the Oregon Secretary of State's office found that election administration costs were reduced by 30 percent after Vote by Mail replaced polling place elections.
- Vote by Mail is popular -- an academic study conducted in 2005 found that over 80 percent of Oregonians prefer Vote by Mail to conventional polling place elections.
- Vote by Mail reduces election fraud – Oregon's system offers many safeguards that are not available in conventional elections. There is a paper trail for each and every vote, and the processing is conducted at a central, secure location. Plus, the longer election period gives election officials time to identify problems, fix errors, and investigate any questionable ballots.

Oregon blazed the trail on Vote by Mail with gradual steps over a long period of time. But the turning point in this pioneering effort came in 1996. That year, Oregon conducted its first state-wide primary and general election for a federal race exclusively by mail. That election, of course, sent me to the U.S. Senate. But that election was not just a success for my campaign, it was a win for the voters of Oregon.

Because Vote by Mail has been so beneficial in Oregon, I believe voters in other states should have more opportunity to cast ballots by mail. That's why I've introduced two Vote by Mail bills. One would give voters universal access to absentee ballots, and the other would provide funding to help with transition costs for any states, or smaller jurisdictions, that wish to convert to an exclusive Vote by Mail system similar to Oregon's.

The Universal Right to Vote by Mail Act has just been introduced in the Senate as S. 3299. Representative Davis introduced this bill in the house last year as H.R. 1604. The bill has five Senate cosponsors, 50 House cosponsors, and has been reported out favorably by the House Administration Committee.

The Universal Right to Vote by Mail Act is, fundamentally, about access and fairness. The bill would provide that any voter who requests an absentee ballot can get one. No longer would arbitrary requirements block voters from choosing to Vote by Mail. Voters in 29 states already enjoy this right. However, voters in another 28 states and territories cannot obtain a mail ballot unless they meet certain "excuse" requirements.

Voting is a fundamental right. I believe that no citizen should have to miss an election because they have to work, are ill, are caring for a loved one, traveling, or have a religious obligation. When voting for President, Oregonians shouldn't have an advantage over New Yorkers or Virginians. The Universal Right to Vote by Mail Act doesn't force anyone to Vote by Mail, nor does it require states to implement any new voting systems. All states are already required to have an absentee ballot system. This bill merely says that all voters should have equal protection in choosing how to participate in elections.

I would also note that excuse requirements for obtaining an absentee ballot constitute an unwarranted invasion of voter privacy. All information submitted on an absentee ballot request form becomes part of the public record. There is no reason why voters should be forced to reveal sensitive personal information simply to have the opportunity to vote. I believe all voters should enjoy equal access to mail ballots while having their privacy ensured.

S. 3299 would eliminate the arbitrary barriers that may prevent voters from exercising their rights in states that still have excuse requirements. History has shown that giving voters the right to choose to vote by absentee ballot is a safe and popular option. Since Kansas became the first state to eliminate absentee ballot restrictions, no state that has granted a universal right to vote by absentee ballot has ever reversed that policy. In those states, increasing numbers of voters have chosen to Vote by Mail.

I have also introduced the S. 3300, the Vote by Mail Act of 2010, which would create a three-year, \$18 million grant program to help states, or smaller jurisdictions, transition to Vote by Mail systems like the one in Oregon. This bill would not mandate that any state adopt Vote by Mail. However, the bill would provide funding for state or local jurisdictions that choose to take advantage of the benefits that Vote by Mail offers.

S. 3300 would provide grants of \$2 million dollars to states, or grants of \$1 million to smaller jurisdictions, to help pay for the costs of implementing a Vote by Mail system. I believe Vote by

Mail can improve elections in any state that adopts it. But rather than simply assume that Vote by Mail delivers benefits, I offer a solution that would provide proof that it does. My bill would instruct the Government Accountability Office to evaluate Vote by Mail and produce a study comparing traditional voting methods with Vote by Mail.

Finally, I'd like to address the issue of vote fraud, which is sometimes mentioned as a concern about Vote by Mail. Oregon's experience has also shown that fraud is almost non-existent. Every ballot envelope is scrutinized before it is opened, and the voter's signature on it is reviewed to make sure it matches the one on file for the voter. With the longer time period involved – typically about two and a half weeks – in a Vote by Mail election, there is ample opportunity to determine whether a ballot is valid before it is counted and to investigate any allegations of fraud. If a ballot is fraudulent, it never gets counted. That could never happen in a polling place election where, by the time fraud is discovered, the vote has already been counted and can't be retrieved. Since Oregon converted to Vote by Mail elections, over 15 million ballots have been cast. During this time, thousands of ballots have been challenged and investigated for allegations of fraud. Thorough investigation of every allegation, however, has revealed only nine instances of vote fraud. There has been absolutely no evidence of any large-scale, systemic vote fraud that some predicted when Vote by Mail was first adopted in Oregon.

I would like to thank those who have supported Vote by Mail, including the original cosponsors of the two bills: Senators Kerry, Carper, Cantwell, Merkley, and Gillibrand. I would also like to thank the many organizations that support Vote by Mail, including the National Association of Letter Carriers, National Association of Postmasters, National Association of Postal Supervisors, American Postal Workers Union, National Postal Mail Handlers Union, National Rural Letter Carriers' Association, and other labor organizations including the AFL-CIO and SEIU. Vote by Mail also has the support of many civil rights and elections organizations, including Common Cause, the NAACP-LDF, the ACLU, and the League of Rural Voters. And I would also like to thank the Chair of the U.S. Postal Regulatory Commission, Ruth Goldway, for her leadership in promoting Vote by Mail.

Again, I would like to thank Chairman Schumer for holding this hearing, and I urge the committee members and all of my colleagues to give voters more choice and greater opportunity to participate in elections by supporting these two important Vote by Mail bills. It's time to move the nation's elections systems into the 21<sup>st</sup> century and answer the needs of today's voters. These bills are an important step in that direction.